

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
N 8 Greenbank Road, 15 ft. N of  
E 1 of East Greenbank Road  
418 Greenbank Road  
14th Election District  
5th Councilmanic District  
Albert Krebs, et ux  
Petitioners

\* BEFORE THE DEPUTY  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-236-A  
\* Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Albert Krebs and Susan L. Krebs, his wife, for that property known as 7428 Greenbank Road in the Oliver Beach subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of January, 1994 that the Petition for a Zoning Variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO,  
Deputy Zoning Commissioner  
for Baltimore County

TMK:mmm

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 24, 1994

Mr. and Mrs. Albert Krebs  
7428 Greenbank Road  
Baltimore, Maryland 21220

RE: Petition for Administrative Zoning Variance  
Case No. 94-236-A  
Property: 7428 Greenbank Road

Dear Mr. and Mrs. Krebs:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:mmm  
encl.

Printed on Recycled Paper



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7428 Greenbank Rd. which is presently zoned RM-1  
94-236-A

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Sections 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each.

of the Zoning Regulations of Baltimore County to the Zoning Commissioner of Baltimore County for the following reasons: (Indicate whether the practical difficulty (B.C.Z.R.) is due to the physical characteristics of the property, the location of the property, or the use of the property.)  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Sections 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Sections 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Sections 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow pilings (pier) 6-1/2 ft. from each divisional line in lieu of the required 10 ft. each.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above variance advertising printing etc. upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County, and shall be bound to the Zoning Law for Baltimore County.

Contract Number: \_\_\_\_\_  
Type of Petition: \_\_\_\_\_  
Signature: *Albert A. Krebs, Jr.*  
Address: 7428 Greenbank Rd.  
City: Towson State: MD Zip: 21204  
Attorney for Petitioner: \_\_\_\_\_  
Type of Petition: \_\_\_\_\_  
Signature: *Susan L. Krebs*  
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Attorney for Petitioner: \_\_\_\_\_  
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Signature: *Albert A. Krebs, Jr.*  
Address: 7428 Greenbank Rd.  
City: Towson State: MD Zip: 21204  
Attorney for Petitioner: \_\_\_\_\_  
Type of Petition: \_\_\_\_\_  
Signature: *Susan L. Krebs*  
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City: Towson State: MD Zip: 21204  
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City: Towson State: MD Zip: 21204  
Attorney for Petitioner: \_\_\_\_\_  
Type of Petition: \_\_\_\_\_  
Signature: *Susan L. Krebs*  
Address: 742



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 3, 1993

Mr. and Mrs. Albert A. Krebs, Jr.  
7428 Greenbank Road  
Baltimore, Maryland 21204

RE: Case No. 91-116-A, Item No. 242  
Petitioner: Albert A. Krebs, Jr., et al.  
Petition for Administrative Variance

Dear Mr. and Mrs. Krebs:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 10, 1991, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 242 (1991)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

December 29, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #242 - Krebs  
7428 Greenbank Road  
Zoning Advisory Committee Meeting of December 20, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:GS:sp

KREBS/DEPRM/TXTSBP



789 East Bippo Road, Suite 501  
Towson, MD 21206-5561

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ALBERT A. KREBS, JR. & SUEAN L. KREBS  
LOCATION: N/3 GREENBANK RD., 15' N OF CENTERLINE OF EAST GREENBANK RD.  
(7428 GREENBANK RD.)  
Item No.: 242 (JOS) Zoning Agenda: ADMIN. VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

DEC 29 1993

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 22, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Items No. 226, 227, 238, 234, 237, 238, 239, 240, 242, and 244

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Pat Keller*

PK/JL:lw

ZAC 226/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: February 3, 1994

FROM: J. James Dieter

SUBJECT: Petition for Setback Variance  
Zoning Item 242, Krebs Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7428 Greenbank Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Albert Krebs

APPLICANT PROPOSAL

The applicant has requested a variance to the 10 foot side yard setback to allow 10 proposed mooring pilings to be 61 feet from the property line extensions. The variance would provide the applicant the opportunity to build a 48 foot extension onto his existing 120 foot pier as well as creating two 40 foot long slips and a "T" between the existing pier and proposed extension.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. Arnold E. Jablon  
February 3, 1994  
Page 2

REGULATIONS AND FINDINGS

1(a.) Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

1(b.) Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 26-450, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 26-449(d)>.

Finding: No disturbance of vegetation in the 100 foot buffer will occur. Therefore, the proposed pier extension is in compliance with the above regulations.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "In developing their Critical Area Programs, local jurisdictions shall provide protection for those species in need of conservation and threatened and endangered species, and their habitats which occur in the Critical Area." <COMAR 27.01.09.03.8>

Finding: No threatened or endangered species, species in need of conservation, or associated habitats occur within the vicinity of the proposed pier extension. Therefore, the proposed development is in compliance with this regulation.

4. Regulation: "In developing their Critical Area Programs, local jurisdictions shall use the following policies with regard to anadromous fish:

- (1) Protect the instream and stream bank habitat of anadromous fish propagation waters;

Mr. Arnold E. Jablon  
February 3, 1994  
Page 3

- (2) Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of streams; and
- (3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams. <COMAR 27.01.09.05.8>

Finding: No adverse impacts to anadromous fish propagation waters are proposed by this development, in compliance with the above regulation.

5. Policy: Pier permits - "The project must comply with Army Corps of Engineers General Permit requirements or have an approved Army Corps of Engineers permit." <Baltimore County Policy, Rules and Regulations Manual>

Finding: If granted, the variance would allow the applicant to potentially create ten (10) boat slips, although the applicant claims that his thirty-six (36) foot boat requires two forty (40) foot slips. To comply with the above policy, the applicant must provide a copy of his Army Corps of Engineers permit to the Department prior to building permit approval.

CONCLUSION

The proposed development will comply with Chesapeake Bay Critical Area regulations if conditioned to meet the above regulations and policies.

If there are any questions, please contact Mr. Glenn Shaffer at 887-3980.

*J. James Dieter*  
J. James Dieter, Director  
Department of Environmental Protection  
and Resource Management

JJD/GES/lwm

KREBS/DEPRM/MQBCA



242



SUBJECT SITE

242

94-236-A

AERIAL PHOTOGRAPH  
SCALE: 1"=200'

